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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

KEN WALTERS and JOHN BONILLA, in) No. C06-00694 (PJH)
 their respective capacities as Trustees of the)
 OPERATING ENGINEERS HEALTH AND)
 WELFARE TRUST FUND FOR NORTHERN)
 CALIFORNIA; TRUSTEES OF THE)
 PENSION TRUST FUND FOR OPERATING)
 ENGINEERS; TRUSTEES OF THE)
 PENSIONED OPERATING ENGINEERS)
 HEALTH AND WELFARE FUND;)
 TRUSTEES OF THE OPERATING)
 ENGINEERS AND PARTICIPATING)
 EMPLOYERS PRE-APPRENTICESHIP,)
 APPRENTICE AND JOURNEYMEN)
 AFFIRMATIVE ACTION TRAINING FUND;)
 TRUSTEES OF THE OPERATING)
 ENGINEERS VACATION AND HOLIDAY)
 PLAN,)

**ORDER DISMISSING WITH
 PREJUDICE AND RETAINING
 JURISDICTION OVER SETTLEMENT**

Plaintiffs,

v.

KINGSBOROUGH ATLAS TREE SURGERY,
 INC., A California Corporation

Defendant.

Plaintiffs and Defendant, by their respective attorneys, in the above-referenced matter hereby stipulate and agree that the Court shall order as follows:

1. This case is dismissed with prejudice, pursuant to a Settlement Agreement and

1 Release of All Claims (hereinafter "Settlement Agreement") entered into by the parties, a true copy
2 of which is attached hereto as Exhibit "A" and incorporated by reference herein.

3 2. The Court retains jurisdiction over enforcement of the Settlement Agreement.

4 Dated: 11/8/06

5 WEINBERG, ROGER & ROSENFELD

6 By: [Signature]
7 CONCEPCION E. LOZANO-BATISTA

8 Attorneys for Plaintiffs

9
10 Dated: 11/3/06

11 JORDAN, AQUI & TYNAN

12 By: [Signature]
13 KAREN F. TYNAN
14 Attorney for Kingsborough Atlas Tree
15 Surgery, Inc.

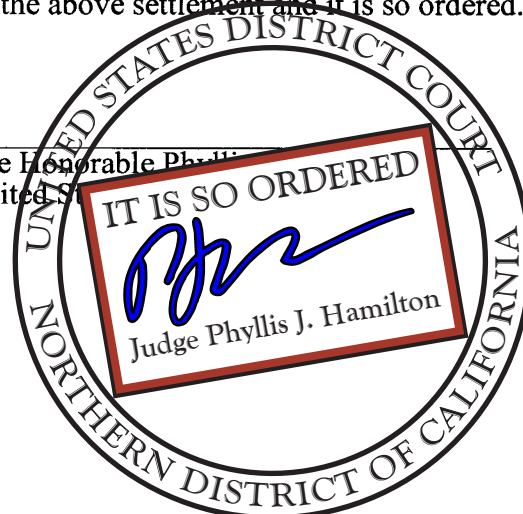
16
17 **ORDER**

18 The Court approves the terms of the above settlement and it is so ordered.

19 Dated: 11/29/06 —

20
21 108507/437681

22 The Honorable Phyllis J. Hamilton
23 United States District Court
24 Northern District of California



CERTIFICATE OF SERVICE

I am a citizen of the United States and an employee in the County of Alameda, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 1001 Marina Village Parkway, Suite 200, Alameda, California 94501-1091. On November 28, 2006, I served upon the following parties in this action:

Karen Tynan
Jordan Aqui & Tynan
1612 Fourth Street
Santa Rosa, CA 95404

copies of the document(s) described as:

ORDER DISMISSING WITH PREJUDICE AND RETAINING JURISDICTION OVER SETTLEMENT

- ☒ **BY MAIL** I placed a true copy of each document listed herein in a sealed envelope, addressed as indicated herein, and caused each such envelope, with postage thereon fully prepaid, to be placed in the United States mail at Alameda, California. I am readily familiar with the practice of Weinberg, Roger & Rosenfeld for collection and processing of correspondence for mailing, said practice being that in the ordinary course of business, mail is deposited in the United States Postal Service the same day as it is placed for collection.
- ☐ **BY PERSONAL SERVICE** I placed a true copy of each document listed herein in a sealed envelope, addressed as indicated herein, and caused the same to be delivered by hand to the offices of each addressee.
- ☐ **BY OVERNIGHT DELIVERY SERVICE** I placed a true copy of each document listed herein in a sealed envelope, addressed as indicated herein, and placed the same for collection by Overnight Delivery Service by following the ordinary business practices of Weinberg, Roger & Rosenfeld, Alameda, California. I am readily familiar with the practice of Weinberg, Roger & Rosenfeld for collection and processing of Overnight Delivery Service correspondence, said practice being that in the ordinary course of business, Overnight Delivery Service correspondence is deposited at the Overnight Delivery Service offices for next day delivery the same day as Overnight Delivery Service correspondence is placed for collection.
- ☐ **BY FACSIMILE** I caused to be transmitted each document listed herein via the fax number(s) listed above or on the attached service list.

I certify under penalty of perjury that the above is true and correct. Executed at Alameda, California, on November 28, 2006.

/s/ Karen Scott
Karen Scott